

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	AKIYAMA	Examiner:	SHTERENGARTS, S.
Serial No.:	10/531069	Group Art Unit:	1626
Filed:	April 11, 2005	Docket:	8279.1209USWO
Title:	CONTROLLED RELEASE PREPARATION		

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper is being transmitted by EFS Web to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on  
16 NOVEMBER 2009.

By: 

Name: Heidi McCarty

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

With regard to the above-identified application, the items of information listed on the enclosed Form SB08 are brought to the attention of the Examiner. Copies of any foreign patent documents or "Other Documents" are enclosed.

Applicants respectfully bring to the Examiner's attention that the references listed on the enclosed Form SB08 were cited in (1) the corresponding Indian patent application and (2) the corresponding Japanese patent application.

A copy of the Opposition received 31 August 2009 in the corresponding Indian application is attached herewith (refer to listing on pages 21-23 and the footnotes on pages 39 and 41 for cited prior art). Applicant's advise that references WO 00/09092 (prior art D7), EP 1 086 694 (prior art D13), US 5,229,131 (prior art D20) and US 5,656,290 (prior art D33) were disclosed in the Information Disclosure Statement filed 11 April 2005. Additionally a copy of the Office Action, dated 24 September 2009, received in the corresponding Japanese application and its corresponding English translation are attached herewith.

A concise explanation of the relevance of each non-English language document or other information is as follows (37 C.F.R. §1.98(a)(3)):

English abstracts are provided for all Japanese references.

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- ☐ (1) within three (3) months of the Filing Date, before the mailing date of a First Office Action on the merits, or before the mailing date of a First Office Action on the merits after the filing of a request for continued examination under 37 C.F.R. §1.114; or
- ☐ (2) after the period defined in (1) but before the mailing date of a Final Rejection or Notice of Allowance, and
- ☐ the requisite Statement is below, OR
- ☐ the requisite fee of \$180.00 under Rule 1.17(p) is included herein, or
- ☒ (3) after the mailing date of a Final Rejection or Notice of Allowance but on or before the payment of the Issue Fee, AND the requisite Statement is below AND the requisite fee of \$180.00 under Rule 1.17(p) is included herein.

### STATEMENT

Applicants hereby state that:

- ☒ Each item of information contained in the Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application or by the USPTO in a related application not more than three months prior to the filing date of the Information Disclosure Statement
- ☐ If this box is checked, Applicant provides the following:

#### Certification Under 37 C.F.R. §1.704(d)

In accordance with 37 C.F.R. §1.704(d), the undersigned hereby certifies that each item listed on the enclosed Form SB08 was first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty (30) days prior to the filing of this Information Disclosure Statement.

- ☐ The Examiner is hereby advised of the following co-pending U.S. applications. A copy of each U.S. patent application publication (if published) or application (if not published) is enclosed.

Application No.

Filing Date

Group

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form SB08, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

#### **FEE AUTHORIZATION**

Please charge any required fee or credit overpayment to Deposit Account No. 50-3478.

Respectfully submitted,

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Dated: 18 November 2009

By: 

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DPM:JAL:hjm